

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

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| IN RE: CERTIFICATION OF RURAL AND NON- RURAL TELECOMMUNICATION CARRIERS | DOCKET NO. RMU-01-14 |
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ORDER ADOPTING RULES

(Issued July 5, 2002)

Pursuant to the authority of Iowa Code §§ 17A.4 and 476.102 (2001), and 47 U.S.C. § 254(e) and (f), the Utilities Board (Board) adopts the following subrule attached hereto and incorporated by reference. This rule adds a new section to 199 IAC chapter 22.2 to implement the certification process for rural and non-rural carriers who wish to receive federal high-cost universal service support.

IT IS THEREFORE ORDERED:

1. The rule attached hereto and incorporated by this reference, identified as Docket No. RMU-01-14, is adopted.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin, a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5th day of July, 2002.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 476.102, and 476 U.S.C. § 254(e) and (f), the Utilities Board (Board) gives notice that on July 5, 2002, the Board issued an order in Docket No. RMU-01-14, In re: Certification of Rural and Non-Rural Telecommunication Carriers, "Order Adopting Rules." The Board adopted a new subrule containing the certification requirements for carriers wishing to continue receiving federal high-cost universal service support pursuant to 47 CFR §§ 54.301, 54.305, 54.307, and part 36, subpart F, of Federal Communications Commission's (FCC) regulations. Notice of Intended Action was published in IAB Vol. XXIV, No. 14 (1/9/02), p. 1076, as ARC 1277B.

This rule is intended to implement a self-certification process for eligible telecommunications carriers who wish to continue to receive federal high-cost universal service support. The FCC recently modified its regulations for providing high-cost universal service support to rural telephone companies for the next five years. (See "Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256," In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, and Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange

Carriers, CC Docket No. 96-256 (May 23, 2001).) The FCC now requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunication carriers receiving federal funds under this program use that support "only for the provision, maintenance and upgrading of facilities and service for which the support is intended," as required by 47 U.S.C. § 254(e). The state certification must be filed no later than October 1 of each year if the certified carriers are to receive support for the following year. (See 47 CFR § 54.314(d) (2001).)

In response to these modifications, the Board issued an order on August 13, 2001, in Docket No. USP-01-1, which established the procedures by which the Board intended to fulfill the federal mandate by the October 1 deadline. The order required any carrier wanting to continue to receive federal high-cost universal service support to file an original and two copies of an affidavit with the Board (with another copy to the Consumer Advocate Division of the Department of Justice). Each affidavit was to be titled "Certification of [Company Name]" (the company name must be the same name shown on the carrier's tariff as filed with the Board). The affidavit was to be sworn and notarized, executed by an authorized corporate officer, and certified that the carrier will use the support it receives pursuant to 47 CFR §§ 54.301, 54.305, 54.307, and Part 36, Subpart F, of FCC regulations only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. All affidavits were to become part of the public record maintained by

the Board. Affidavits complying with the order were the basis for the Board's certification to the FCC.

The amendment implements the previously described certification process as a Board rule and establishes filing requirements for carriers who wish to continue to receive federal high-cost universal service support. Comments were to be filed on or before January 29, 2002, and no oral presentation was scheduled. No comments were filed regarding the proposed rule making.

This amendment is intended to implement Iowa Code sections 17A and 476.102 and 47 U.S.C. § 254(e) and (f).

This amendment will become effective August 28, 2002.

The following amendment is adopted.

Amend rule 199—22.2(476) by adopting the following **new** subrule:

22.2(7) Universal service certification application.

a. Certification to be filed with the board. Any carrier desiring to continue to receive federal high-cost universal service support shall file no later than September 10 of each year an original and two copies of an affidavit with the board and one copy to the consumer advocate division of the department of justice.

b. Content of certification. Each affidavit shall be titled "Certification of [Company Name]." The company name shall be the same name shown on the carrier's tariff as filed with the board. The affidavit shall include the study area code (SAC) number associated with the company. The affidavit shall be sworn and notarized and shall be executed by an authorized corporate officer. The

affidavit shall certify that the carrier will use the support the carrier receives pursuant to 47 CFR §§ 54.301, 54.305, or 54.307, or Part 36, Subpart F, of FCC regulations, or successor regulations concerning high-cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

c. Certifications subject to complaint or investigation. Any certification filed by a carrier shall be subject to complaint or investigation or both by the board.

Exhibit A
CERTIFICATION OF [COMPANY NAME]

STATE OF IOWA ` _____
COUNTY OF _____

I, [authorized corporate officer], [office], [Company Name], being of lawful age and duly sworn, depose and state:

[Company Name], [SAC number], will use the support [Company Name] received pursuant to 47 CFR §§ 54.301, 54.305, and/or 54.307, and/or Part 36, Subpart F, of FCC regulations or successor regulations concerning high-cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

I further state that I am authorized by [Company Name] to make this statement.

[authorized officer]

Subscribed and sworn to before me this _____ day of _____,

Notary Public

July 5, 2002

/s/ Diane Munns

Diane Munns
Chairman